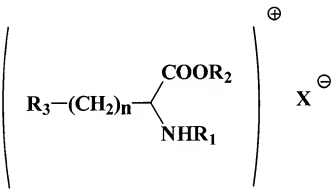
REMARKS

This is in response to the Non-Final Office Action mailed August 17, 2007. Applicants respectfully request reconsideration of the application.

Claims 1, 7, 14, and 19 have been amended. Claims 21-23 have been added. Claim 2 has been cancelled. After entry of the amendments, claims 1 and 3-23 are pending.

Claims 1, 14, and 19 have been amended to recite that the process for preparing such a compound comprises (i) a N^{α}-acyl-L-arginine acid, as a cationic salt or acid salt, of the formula:



where X^-, R_1, and R_3 are as described above and R_2 is H, an organic cation, or an inorganic cation; and (ii) an alcohol with (a) a linear or branched alkyl chain from 1 to 18 carbon atoms or (b) a phenylic group, in the presence of (iii) a catalyst comprising a hydrolase. Support for this may be found at page 4, lines 6-11. Claims 1, 14, and 19 have also been amended to delete the phrase "derived from fatty acids and esterified dibasic amino acids".

The Examiner rejected claims 1-20 under 35 U.S.C. § 112, first and second paragraphs, as failing to comply with the enablement requirement and as being indefinite, respectively. Both rejections are based on the following claim language in independent claims 1, 14, and 19:

(a) "starting reactants of appropriate organic acid and alcohol" and "derived from fatty acids and esterified dibasic amino acids according to the following formula", and

(b) wherein R_2 is "aromatic".

The Examiner also objected to the phrase "derived from fatty acids and esterified dibasic amino acids" recited in these claims. Applicants respectfully traverse these rejections.

Applicants disagree with the Examiner's statement that the specification is totally defective as to the scope of the "appropriate" organic acid and alcohol starting reactions". For example, the specification states that a N^{α}-acyl-L-arginine ester may be formed by the enzymatically promoted esterification of (i) a N^{α}-acyl-L-arginine acid, which has a linear alkyl chain from a saturated fatty acid or the hydroxyl-acid with 8 to 14 carbon atoms bonded to the α-amino acid group through an amidic bond, with (ii) an alcohol with a linear or branched chain from 1 to 18 carbon atoms or a phenylic group. (Page 4, lines 6-11.) Thus, the specification discloses the appropriate starting reactants to prepare a N^{α}-acyl-L-arginine ester as recited in the claims

Applicants also disagree with the Examiner's position that reciting that R_2 may be aromatic fails to comply with the enablement requirement. The enablement requirement is satisfied where the specification discloses at least one method for making and using the claimed invention that bears a reasonable correlation to the scope of the claim. (MPEP § 2164.01(b).) All that is required is that a person skilled in the art be able to practice the claimed invention, given the level of knowledge and skill in the art. (MPEP § 2164.08.) As described above, the specification teaches how to make a N^{α}-acyl-L-arginine ester using an organic acid and alcohol. As amended, claims 1, 14, and 19 recite that the alcohol may have a phenylic group (i.e., an aromatic group) and support for this may be found at page 4, lines 9-10. Applicants submit that a person skilled in the art would recognize that this refers to an alcohol derived from or containing a phenyl group. Thus, at the least, the specification enables a person skilled in the art to make and use an arginine ester as recited in the claims using an alcohol that includes a phenyl (aromatic) group.

The Examiner rejected claims 7, 14, and 19 under 35 U.S.C. § 112, second paragraph, as being indefinite. In particular, the Examiner stated that these claims contain a broad range or limitation together with a narrower range or limitation that falls within the broad range or limitation. In particular, the

Examiner contends that these claims include the broad recitation "cellulose esters" and the narrower statements "carboxymethyl cellulose" and "other substituted celluloses." Applicants traverse this rejection.

Claims 7, 14, and 19 have been amended to delete the phrases "carboxymethyl cellulose" and, "cellulose esters" and also the term "other" modifying substituted celluloses. Applicants submit that the term "substituted celluloses" is the broad recitation, and the terms "carboxymethyl cellulose" and "cellulose esters" are narrower statements of the range/limitation.

In view of the amendments to claims 1, 7, 14, and 19, and the remarks, Applicants respectfully request that the rejections under 35 U.S.C. § 112, first and second paragraphs, be withdrawn.

CONCLUSION

In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration of the application and issuance of a Notice of Allowance.

In the event any fees are due in connection with the filing of this document, the Commissioner is authorized to charge those fees to our Deposit Account No. 18-0988 under Attorney Docket No. **TURKP0131US**.

Respectfully submitted,

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